HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NOs. 26292 and 26294 of 2007

DATED: 13.12.2007

W.P.No.26292 of 2007

Between:

Bhagam Venkateshwara Rao

… Petitioner

and

The Tahsildar, Singareni Mandal,
Khammam District and others

… Respondents

W.P.No.26294 of 2007

Between:

Bhagam Narayana

… Petitioner

and

The Tahsildar, Singareni Mandal,
Khammam District and others

… Respondents

HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NOs. 26292 and 26294 of 2007

COMMON ORDER:

The petitioners in both the writ petitions claim possession in a part of the land covered by Sy.No.56 of Cheemalpadu Village, hamlet of Relakayalapalli, Singareni Mandal, Khammam District.

It is stated that the father of the petitioners was in possession of the land in question for the last 50 years and after his death, these petitioners have been continuing the possession in the above said lands in Sy.Nos.56/4 and 56/1. It is their grievance that though proceedings were initiated under the provisions of the A.P. Land Encroachment Act, 1905 (for short 'the Act') and the petitioners have filed explanation to the said show cause notice issued under Section 7 of the Act, but even before final orders are passed, steps are being taken for their eviction so as to assign the said land in favour of the 3rd party-landless poor persons.

The learned counsel for the petitioners has filed a list prepared by Tahsildar for grant of assignment to landless poor persons, which shows the land of the petitioners were also

included in such list.

When the matter came up on an earlier occasion, the same was adjourned to enable the learned Government Pleader for Revenue to obtain instructions.

On instructions, it is now submitted by the Government Pleader that pursuant to initiation of proceedings under the Act, notices were issued under Section 7 of the Act, but however, no final orders are passed. As the petitioners have filed their explanation in response to the aforementioned notices, it is for the first respondent-Tahsildar to consider the said explanation and pass appropriate orders. But however, as it is stated that no final orders of eviction have been passed under Section 6 of the Act, the question of evicting the petitioners, at this stage, does not arise.

In that view of the matter, I dispose of the writ petition directing the respondents not to evict the petitioners and also not to assign the lands, which are in possession of them covered by Sy.No.56/4 and 56/1 of Cheemalpadu Village, hamlet of Relakayalapalli, Singareni Mandal, Khammam District, in favour of the third parties till appropriate final orders are passed. However, it is made clear that it is always open for the respondents to proceed and pass appropriate orders in accordance with law, pursuant to initiation of proceedings under the provisions of the Act, and communicate the same to the petitioners.

Subject to the above directions, the writ petitions are disposed of. There shall be no order as to costs.

R. SUBHASH REDDY,J

Date:13.12.2007

Note: CC by tomorrow.
Bo cvm